

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00139

Stanley Sanders,
Plaintiff,

v.

Bryan Collier et al.,
Defendants.


ORDER

Plaintiff Stanley Sanders, a former inmate of the Texas Department of Criminal Justice proceeding pro se and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 2.

On January 31, 2024, the magistrate judge issued a report recommending that defendant Nina Tanner's motion for summary judgment be denied as procedurally defective due to its reliance on an affidavit that was not filed with the motion and an insufficient citation to the record. Doc. 44. Defendant did not file timely objections to the report.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Defendant's motion (Doc. 39) is denied with leave to refile the motion with proper evidentiary support and citations within 30 days of entry of this order.

So ordered by the court on February 27, 2024.



J. CAMPBELL BARKER
United States District Judge